MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM IN LAKE COUNTY AND PORTER COUNTY

LSA Document #06-284

Overview

This rule amends 326 IAC 13-1.1 concerning the motor vehicle inspection and maintenance (I/M) program in Lake and Porter counties to provide enhancements to the existing program.

Citations Affected

Amends 326 IAC 13-1.1 concerning the motor vehicle inspection and maintenance program in Lake County and Porter County. Effective 30 days after filing with the Publisher.

Affected Persons

This rule affects motor vehicle owners in Lake County and Porter County.

Reasons for the Rule

These rule revisions are enhancements to the existing vehicle inspection and maintenance program that will increase customer convenience and safety for the citizens of Lake and Porter counties.

Economic Impact of the Rule

Because this rule is not expected to affect many vehicles, IDEM anticipates that the fiscal impact to the State and regulated community will be negligible. For motorists affected by this option, there should be a savings in cost and time.

Benefits of the Rule

These rule revisions will increase customer convenience and safety for the citizens of Lake and Porter counties.

Description of the Rulemaking Project

The Lake and Porter County I/M program began in 1984, and it continues to contribute to the improvement in air quality in these counties. To help ensure continued compliance with the National Ambient Air Quality Standard for ozone in Lake and Porter counties and to contribute to regional attainment efforts, IDEM is considering certain enhancements to this program. These include an alternate test to the second generation on-board diagnostics test (OBDII) and the addition of a hydrocarbon leak test procedure for 1976 through 1995 model vehicles to help detect gasoline vapor leaks that contribute to volatile organic compounds (VOCs) in the air.

Second Generation On-Board Diagnostics (OBDII)

All automotive manufacturers are required to meet federal OBDII vehicle emission standards that went into effect in 1996. OBDII requires that the on-board computer monitors actively perform diagnostic tests on vehicle emission systems. The system detects emission system malfunctions which could result in emissions at or above the applicable vehicle emission standard. A Malfunction Indicator Lamp (MIL) on the vehicle's dashboard should illuminate if a system or component either fails or deteriorates to the point where the vehicle emissions could rise above the applicable vehicle emission standards. If a vehicle's MIL is on, the gas cap pressure test will be performed as part of the initial I/M test, but the vehicle test result will be "fail". OBDII equipped vehicles will also be rejected as "OBD System Not Ready" if the vehicle has three or more readiness monitors that are not set for vehicles model year 1996 through model year 2000, or two or more readiness monitors that are not set for vehicles model year 2001 and later. If the MIL is off and no diagnostic trouble codes are detected, the vehicle passes the OBD test, the test is complete,

and the Vehicle Inspection Report is printed, informing the motorist that the vehicle passed the test.

Some OBDII equipped vehicles are currently rejected because their readiness monitors will not set correctly or have other nonemission related problems (i.e., electrical short, MIL malfunction, computer problems). IDEM is considering an amendment to 326 IAC 13-1.1-17.1 to provide the option of retesting an OBDII equipped vehicle on the dynamometer to determine whether or not the vehicle's emissions actually exceed the applicable vehicle emission standards. The vehicle may be tested on the dynamometer if the vehicle has failed three consecutive OBDII test procedures and the owner has made a good faith effort to repair the vehicle in accordance with the applicable diagnostic trouble codes. If the vehicle's emissions are at or below the applicable vehicle emission standards, the vehicle shall pass the test.

IDEM does not anticipate that this rule amendment will have a negative impact on air quality since OBDII equipped vehicles are required to meet more stringent vehicle emission standards than older vehicles and tend to have lower emissions as a result. IDEM also does not anticipate that a large number of vehicles will be affected by this rule amendment, and it will result in a convenience to the motorist.

Hydrocarbon Leak Test Procedure

Leaks can originate from a number of points on a vehicle, such as leaking fuel injectors, carbureted fuel systems with leaking gaskets, defective fuel shut-off valves, or faulty fuel pumps, fuel tanks, or tank connectors, or other possible sources. Many leaks are readily detectable either visually or by odor. Tank pressure testing and the use of leak detection sniffers are effective methods in determining the source of leaks. Vehicles leaking gasoline and gasoline vapor are a major contributor of excessive VOC emissions, and correcting these leaks through a hydrocarbon leak inspection program will significantly reduce the amount of VOC emissions from these vehicles. U.S. EPA's emissions model, Mobile 6.2, projects leaks from vehicles defined as having liquid/vapor leaks to be 70% of the mobile on-road evaporative emissions inventory. Evaporative emissions increase substantially during high temperature episodes that are often associated with high ozone levels.

IDEM is proposing to amend 326 IAC 13-1.1-7 to require I/M inspection stations ("Clean Air Car Check") to conduct a hydrocarbon leak test on all vehicles model year 1976 through 1995, since these vehicles typically exhibit the majority of the leaks. Hydrocarbon leak testing will be accomplished by automatically screening vehicles during the transient exhaust test. Suspect vehicles will then proceed to the waiver bay or other designated area for follow-up inspection using special equipment and visual inspection. All identified leaking vehicles must be repaired before the vehicle can receive an additional vehicle emissions test. Waivers will not be issued to vehicles that have leaks due to concerns for the vehicle owner’s safety and the environment, as well as Clean Air Car Check’s inability to properly test tailpipe emissions from vehicles with gasoline leaks.

Clarification and Corrections

Clarifications and corrections to the existing rule language are also being proposed in this rulemaking, including the following:

- Language has been added to exempt antique vehicles and show vehicles from the rule requirements. Definitions have also been added for clarity. These vehicles have traditionally been exempted from the program. This change is to accurately reflect how antique and show how vehicles are treated within the program.
- Language has been added to clarify criteria for waivers for OBDII equipped vehicles (model year 1996 and newer vehicles). These waivers provide greater flexibility and convenience to the customer, and equity with current procedures for pre-1996 model year vehicles.
- References to the I/M 240 test parameters and emissions test are being deleted because they are included in the I/M 93 test. However, the definition of I/M 240 is being kept because it is referenced in the federal requirements and is the basis for the I/M 93 emissions test, which is being maintained.
- Language in 326 IAC 13-1.1-10(a)(7) concerning owner repairs has been deleted because the costs of owner performed repairs do not count toward the minimum expenditure waiver. However, owners are

still permitted to perform their own repairs.
- The incorporated by reference material has been updated.
- Federal citations have been clarified.
- Minor corrections and clarifications have been made where necessary.

Scheduled Hearings

First Public Hearing: September 5, 2007, at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana.

Second Public Hearing: November 7, 2007, at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana

Consideration of Factors Outlined in Indiana Code 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

(1) All existing physical conditions and the character of the area affected.

(2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.

(3) Zoning classifications.

(4) The nature of the existing air quality or existing water quality, as appropriate.

(5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.

(6) Economic reasonableness of measuring or reducing any particular type of pollution.

(7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:

(A) human, plant, animal, or aquatic life; or

(B) the reasonable enjoyment of life and property.

Consistency with Federal Requirements

The amended rules are consistent with federal laws.

Rulemaking Process

The first step in the rulemaking process is a first notice published in the *Indiana Register*. This includes a discussion of issues and opens a first comment period. The second notice is then published which contains the comments and the departments responses from the first comment period, a notice of first meeting/hearing, and the draft rule. The Air Pollution Control Board holds the first meeting/hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second meeting/hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public meeting/hearing is held and public comments are heard. Once final adoption occurs, the rule is reviewed for form and legality by the Attorney General, signed by the Governor, and becomes effective 30 days after filing with the Legislative Services.

IDEM Contact

Additional information regarding this rulemaking action can be obtained from Christine Pedersen, Rule Development Section, Office of Air Quality, (317) 233-6868 or (800) 451-6027 (in Indiana).